

BOARD OF APPEALS CASE NO. 4919

BEFORE THE

APPLICANT: Carroll Kreusinger

ZONING HEARING EXAMINER

**REQUEST: Expansion of a non-conforming
use to permit a motor vehicle repair shop;
4635 Norrisville Road, White Hall**

OF HARFORD COUNTY

Hearing Advertised

Aegis: 6/23/99 & 6/30/99

Record: 6/25/99 & 7/2/99

HEARING DATE: August 11, 1999

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Carroll Kreusinger, appeared before the Hearing Examiner requesting an expansion of a non-conforming use for a motor vehicle repair shop.

The subject parcel is located at 4635 Norrisville Road in the Fourth Election District. The parcel is identified as Parcel No. 17, in Grid 4-A, on Tax Map 15. The parcel contains 9.5 acres, more or less, all of which is zoned Agricultural.

Mr. Carroll Kreusinger appeared and testified that his family has operated a home heating oil business on the subject parcel since 1936 or 1937. The Applicant said the parcel is currently improved by a single-family in which he resides, a barn, an in-ground oil storage tank with a 12,000 gallon capacity, and a 40 foot by 32 foot shop. The witness said that repairs have been performed on commercial vehicles and oil trucks since the family went into the oil business. The witness said that he would like to use the existing 40 foot by 32 foot shop to detail the vehicles for resale. The Applicant said that he does not intend to sell the vehicles to the public, but that he will sell them to dealers or at automobile auctions. The Applicant said the expansion of the non-conforming use will not be more intense than the existing use on the property and that the proposal will not exceed 50% of the gross square footage of the property in use at the time of the creation of the non-conformity. The Applicant said that the extension will not violate the height or coverage requirements for the district and the proposal should not have an impact on surrounding properties.

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Mr. Anthony S. McClune, Manager, Division of Land Use Management, appeared and testified that the Staff has reviewed the Applicant's request and feels that the Applicant can meet or exceed the requirements set forth in Section 267-21. Mr. McClune said the Staff has also considered the "Limitations, Guides and Standards" set forth in Section 267-9(l) and feels that the Applicant's request is in compliance with the "Limitations, Guides and Standards".

CONCLUSION:

The Applicant is requesting an expansion of a non-conforming use, pursuant to Section 267-21 of the Harford County Code for a motor vehicle repair shop in an Agricultural District.

Section 267-21 provides:

"Enlargement or extension of nonconforming buildings, structures or uses. The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.
- C. The enlargement or extension does not violate the height or coverage regulations for the district.
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- E. The limitations, guides and standards set forth in Section 267-9(l), Limitations, Guides and Standards, are considered by the Board."

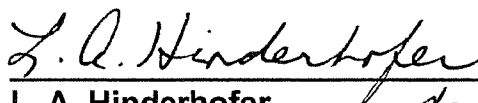
The uncontradicted testimony of the Applicant and Mr. Anthony S. McClune of the Department of Planning and Zoning was that the Applicant can meet or exceed all the standards set forth in Section 267-21, as well as the "Limitations, Guides and Standards" set forth in Section 267-9(l). The Applicant has testified that the vehicles which he repairs will not be sold to the general public but will be sold to automobile dealers or at public auction.

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It is the finding of the Hearing Examiner that the Applicant's request should not have an adverse impact on the neighborhood. Therefore, it is the recommendation of the Hearing Examiner that the requested extension of the non-conforming use be granted to detail automobiles, subject to the following conditions:

1. That the Applicant submit a detailed site plan for review and approval by the Department of Planning and Zoning. The site plan shall reflect existing and proposed improvements and the storage area for vehicles. A screening plan shall also be submitted for review and approval.
2. That the Applicant shall obtain all permits and inspections.
3. That the Applicant shall identify how he will contain or treat accidental spillage of vehicle fluids.
4. That the proposal is approved for inspection, minor repair and detailing of vehicles being prepared for wholesale to other dealers and auto auctions and not for the general public. The Applicant shall be limited to eight (8) vehicles parked in the storage area at any one time.
5. That the hours of operation shall be limited to Monday through Saturday, 8:00 a.m. to 9:00 p.m. The business shall not be conducted on Sundays.
6. That security lighting for the storage area shall be directed toward the storage area and the building and away from adjoining properties or the public road.
7. That no painting or major body work shall be performed on the site.
8. That all vehicle parts shall be stored in the building. No outside storage of dismantled vehicles shall be permitted.
9. That no retail sales of automobiles shall occur on the site.

Date SEPTEMBER 3, 1999



L. A. Hinderhofer
Zoning Hearing Examiner